UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/49/7/Add.12
10 March 1995

ORIGINAL: ENGLISH

Forty-ninth session
Agenda items 107 and 146

PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995

FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

Conditions of service and allowances of the members of the International Tribunal and revised estimates for the biennium 1994-1995

Thirteenth report of the Advisory Committee on Administrative and Budgetary Questions

I. INTRODUCTION

1. The Advisory Committee on Administrative and Budgetary Questions has considered the reports of the Secretary-General on the conditions of service and allowances of the members of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia since 1991 (A/C.5/49/11) and on the financing of the Tribunal (A/C.5/49/42). The reports are submitted pursuant to General Assembly resolution 48/251 of 14 April 1994. During its consideration of this question, the Committee met with the Prosecutor and the Registrar of the International Tribunal and with representatives of the Secretary-General.

2. In reviewing this question, the Committee was aware that the Prosecutor for the International Tribunal for the former Yugoslavia will also act as the Prosecutor for the International Tribunal for Rwanda in accordance with article 15 of the statute of the Tribunal for Rwanda, as established by the Security Council in resolution 955 (1994) of 8 November 1994. Furthermore, the Committee noted that under article 12, paragraph 2, of the statute of the Tribunal for Rwanda (resolution 955 (1994), annex) the members of the Appeals Chamber of the International Tribunal for the former Yugoslavia will also serve

as the members of the Appeals Chamber of the International Tribunal for Rwanda. The Committee will take these factors into account during its consideration of the Secretary-General's proposals for the financing of the International Tribunal for Rwanda.

II. CONDITIONS OF SERVICE AND ALLOWANCES OF THE MEMBERS OF THE INTERNATIONAL TRIBUNAL

3. According to article 13, paragraph 4, of the statute of the Tribunal (S/25704, annex), the terms and conditions of service of the judges shall be those of the International Court of Justice. As the Committee stated in a previous report on the question (A/48/915, para. 7):

> "... had it had an opportunity to review the administrative and budgetary aspects of the statute of the International Tribunal before it was adopted, it would have made recommendations to the General Assembly on conditions of service of the judges of the Tribunal taking into account, inter alia, the following:
>
> "(a) The exclusive mandate of the Tribunal and its duration, as stated by the Security Council in resolution 827 (1993);
>
> "(b) The work programme of the Tribunal as it relates to the workload of its judges;
>
> "(c) The election of judges of the International Tribunal for a term shorter than that of judges of the International Court of Justice, which would have an impact on a number of the conditions of service of the judges of the Tribunal, including pensions."

4. Bearing in mind these considerations, the Committee is of the opinion that article 13, paragraph 4, should be interpreted in such a way as to allow full application of General Assembly resolution 47/235 of 14 September 1993, by which the Assembly reaffirmed in the context of Security Council resolution 827 (1993) and with respect to the financing of the International Tribunal, the role of the General Assembly as set out in Article 17 of the Charter of the United Nations, as the organ to consider and approve the budget of the Organization, as well as the apportionment of its expenses among Member States.

5. Article 32, paragraphs 5 and 7, of the statute of the International Court of Justice provides that the conditions of service of the Court are determined by the General Assembly.

6. In paragraph 4 of his report (A/C.5/49/11), the Secretary-General summarizes the conditions of service and allowances proposed in document A/C.5/48/36. In this connection, the Committee notes that article 31 of the Tribunal's statute provides that it shall have its seat at The Hague; in the opinion of the Committee, all entitlements should be formulated and implemented on the basis of residence at The Hague.

7. In paragraph 4 (a) of the report, an annual salary of $145,000 is proposed for the members of the Tribunal; this is the same as that approved by the General Assembly for the members of the International Court of Justice by its resolution 45/250 A of 21 December 1990. The annual salary of $145,000 remains at the same level as decided by the Assembly in resolution 48/252 A of 26 May 1994. The Committee recalls that on the occasion of previous reviews of the annual salary of the members of the Court, it has been the practice of the Secretary-General to take into account the level of the emoluments of the President and members of the highest courts in a number of national judiciaries since, under the Statute of the International Court of Justice (Art. 2), "the Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of a high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices". Under article 13, paragraph 1, of the statute of the International Tribunal, the judges of the Tribunal are also required to possess the qualifications required in their respective countries for appointment to the highest judicial offices. Accordingly, the Committee recommends that the annual salary be set at $145,000 and that the special allowance applicable to the President of the Court or to the Vice-President when acting as President should apply to the President and Vice-President of the Tribunal. The "floor/ceiling measures" at The Hague applicable to members of the Court should also apply as should the condition that "no member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature" (Art. 16 of the Statute of the International Court of Justice). In this connection, the Committee trusts that the adoption of conditions of service for the judges should put an end to any existing practice that contradicts the requirements of this Statute.

8. In paragraph 4 (b) of his report (A/C.5/49/11), the Secretary-General proposes, with regard to travel and subsistence benefits, to apply the Travel and Subsistence Regulations of the International Court of Justice, as contained in the annex to General Assembly resolution 37/240 of 21 December 1982. In actual practice, some of these have already been implemented in a manner at variance with the formal provisions established for the judges of the Court. For example, during the discussions on this question, the Committee was informed that payment of travel expenses of the judges of the Tribunal has been limited to business class accommodation rather than first class travel. The Committee agrees with this practice and recommends that the travel regulations be drafted to provide for business class travel. The Committee requests that the travel and subsistence regulations to be prepared for the Tribunal be submitted to it for scrutiny.

9. In paragraphs 4 (c) and (d) of his report, the Secretary-General recalls his previous proposals with regard to pension entitlements and survivors' benefits. Certain refinements proposed by members of the Tribunal are referred to in paragraphs 7 and 10 of the report. The Committee, in its latest report on the pension scheme for members of the International Court of Justice (A/49/7/Add.11), has called for a comprehensive review to be submitted to the General Assembly at its fiftieth session in the context of the next scheduled overall review of the conditions of service of the members of the Court. Under the circumstances, the Committee is of the opinion that there is no need for the General Assembly to pronounce itself now on either pensions or survivors'

benefits in respect of members of the Tribunal and that these matters can be determined by the Assembly at its fiftieth session in the light of what it may have decided with respect to the International Court of Justice.

10. In paragraph 4 (e) of his report, the Secretary-General's refers to a proposed relocation allowance to be payable upon completion of service. While the Committee understands the rationale for requiring a minimum period of continuous bona fide residence at The Hague to qualify for the payment of this allowance, it was not clear to the Committee why this allowance should be increased by 25 per cent after an additional year of service beyond the minimum three-year requirement. Accordingly, the Committee recommends against providing for an additional payment in respect of a fourth year of residence.

11. In paragraph 14 of his report, the Secretary-General proposes to extend the education grant benefit of the members of the Court, as approved by the General Assembly in its resolution 48/252 C, to the judges of the Tribunal. The Committee recalls that the education grant benefit of the members of the Court was initially proposed by the Secretary-General in his report to the Assembly at its thirty-eighth session (A/C.5/38/27, paras. 82 and 83) and approved by the Assembly in its resolution 40/257 C of 18 December 1985. The Committee recommends that the education grant be provisionally applied on the basis of what it has recommended in paragraph 6 above, pending a full review of this and other conditions of service and their administration at the fiftieth session of the General Assembly. In this connection, the Committee requests the Secretary-General to provide the necessary background information on the administration of the education grant for the members of the International Court of Justice.

III. REVISED ESTIMATES RELATING TO THE FINANCING OF THE INTERNATIONAL TRIBUNAL IN 1994-1995

12. Revised estimates, as contained in the report of the Secretary-General on the financing of the Tribunal (A/C.5/49/42), amount to $39,158,600 for the biennium 1994-1995, comprising $10,780,000 for 1994 and $28,378,600 for 1995 (ibid., table 1). The 1994 requirements have been maintained within the amount authorized by the General Assembly in paragraph 9 of its resolution 48/251, namely, $11 million for the period from 1 January to 31 December 1994, including the amount of $5.6 million it had authorized in its decision 48/461 of 23 December 1993. For 1995, the General Assembly authorized, in its decision 49/471 of 23 December 1994, the additional amount of $7 million to allow the International Tribunal to continue its activities until 31 March 1995.

13. As indicated in table 1 of the report of the Secretary-General, the revised estimates for 1994-1995 have increased by 20 per cent over the previous estimates for 1994-1995 (see A/C.5/48/44/Add.1), which were, in effect, mainly start-up costs. The estimates for the Chambers increase by 16.9 per cent, for the Office of the Prosecutor by 64 per cent and for programme support by 18.3 per cent, while estimates for the Registry decrease by 8.6 per cent.

14. The proposed staffing table comprises 260 posts, or 152 additional posts (59 posts for the Office of the Prosecutor and 93 for the Registry), as compared

to 108 posts in the previous proposal of 11 March 1994. This represents an increase of 88 per cent of staff in the Prosecutor's Office and 265 per cent in the Registry. Upon request, the Committee was informed that the post descriptions have been submitted to the Office of Human Resources Management of the Secretariat for classification. At the time of writing of the present report, no definitive, official classification notice has been issued as a result of this classification process.

15. The Committee notes that, as indicated in paragraph 5 of the report of the Secretary-General, in May 1994 the Registrar was delegated the authority to appoint staff in the name of the Secretary-General, up to the D-1 level. The Secretary-General was authorized, under paragraph 10 of General Assembly resolution 48/251, to make the necessary arrangements, including the signing of the lease agreement for the premises of the International Tribunal, to ensure that it was provided with adequate facilities and necessary staff resources. Upon request, the Committee was informed that, as at 31 January 1995, the number of staff on board was 119. Contracts have been issued for a period of up to one year. The Committee recalls that in its last report, it recommended that the authority to enter into contractual arrangements for staff for periods of up to one calendar year should be continued, bearing in mind that the staffing table had not yet been approved (A/49/790, para. 8). The organizational chart of the Tribunal and statistics on the number of staff on board, by post level and nationality, were provided to the Committee and are included in the present report (annexes I and II). The Committee recommends that the recruitment process be implemented strictly in accordance with the United Nations Staff Regulations and Rules, taking account of Articles 8, 100 and 101 of the Charter of the United Nations.

The Chambers

16. As indicated in paragraph 25 of the report of the Secretary-General (A/C.5/49/42), salaries and allowances of the 11 judges of the Tribunal are estimated at $3,230,000 for the biennium 1994-1995, on the basis of the conditions of service proposed in document A/C.5/49/11. Upon inquiry, the Committee was informed that the judges that were elected by the General Assembly have been paid since 17 November 1993. Their workload is as is described in paragraph 19 of the report of the Secretary-General. In addition, the Committee understands that the judges have been involved in the issuance of indictments in accordance with the rules of procedure and evidence of the Tribunal, which were provided to the Committee.

17. Requirements for common costs of the judges (A/C.5/49/42, para. 26) include provisions for travel to and from the duty station for judges who are not in residence at The Hague. In paragraph 6 above, the Committee has stated its opinion that all entitlements for members of the Tribunal should be formulated on the basis of residence at The Hague. Accordingly, the Committee recommends against provision for such travel, the cost of which has been estimated at $241,000 for the biennium.

18. In paragraph 28 of the report of the Secretary-General, provision for consultants and experts for the judges' chambers is estimated at $76,800. The report does not contain a definitive justification for the use of such expertise

by the Chamber. However, the Committee notes that $30,000 was already utilized in 1994. Should it be determined that there is a continuing need for this expertise, in the Committee's view there is a need for the Tribunal to establish guidelines to govern recourse to and use of expertise in the Chambers. Account should also be taken of the need to diversify sources of expertise.

The Office of the Prosecutor

19. Requirements for the Office of the Prosecutor are explained in paragraphs 39 to 58 of the report (A/C.5/49/42). Total requirements for the biennium amount to $14,076,700, of which $2,620,400 were foreseen for 1994. As shown in the organizational chart (annex I to the present report), the Office of the Prosecutor consists of a Secretariat and four sections: Prosecution, Investigation, Special Advisory and Information and Records. The Secretary-General requests 126 posts (100 Professional and 26 General Service posts), of which 59 are additional posts (54 Professional and 5 General Service posts) (see A/C.5/49/42, table 7).

20. Upon inquiry, the Committee was informed that, as at 31 January 1995, 35 Professionals are on board in the Office of the Prosecutor (see annex II to the present report). It was mentioned that the inability to offer long-term contracts of employment to potential staff, most of whom held senior and secure positions in their own countries, has been a major hindrance to recruitment of candidates with the requisite experience, particularly in positions for investigators. As indicated in the first report of the Tribunal (A/49/342-S/1994/1007, annex, para. 144), the Prosecutor can present cases to the Tribunal only on the basis of the evidence gathered by the investigative staff.

21. During the discussion on the structure and functions of the Office of the Prosecutor, the Committee was apprised that the success of the Tribunal as a whole depends very much on the quality of staffing of his Office and, in particular, on the calibre of highly experienced investigation teams. In this regard, the Prosecutor informed the Committee that it is estimated that crimes, identified under article 2 of the statute, have been committed in more than 3,000 villages and towns and that it is his task to select the cases for investigation. He added that, as at 14 February 1995, the Tribunal had issued two indictments against 21 individuals held responsible for crimes committed in the former Yugoslavia. The proposed nine investigation teams (see A/C.5/49/42, para. 45) will operate each under a team leader. The teams are to be coordinated by three senior investigators. In view of the functions to be performed by the team leaders, the Committee found a lack of supporting justification for the establishment of the three coordinators. In the opinion of the Committee, it is possible that such coordination as may be necessary could be conducted by the team leaders. Accordingly, the Committee recommends that consideration of the establishment of three posts for coordinators be deferred. The Committee recommends further that the situation be kept under review and proposals made in the context of the next report on the financing of the Tribunal.

22. Upon inquiry the Committee was informed that, as at 28 February 1995, contributions in the form of loans of personnel had been received or pledged for

the Office of the Prosecutor from the Governments of the United States of America (22 persons), the Netherlands (4), Denmark (2), Norway (2), Sweden (2) and the United Kingdom of Great Britain and Northern Ireland (1). These personnel are assisting in investigations and act as legal advisers. In spite of repeated queries, it was not possible to determine whether these personnel are part of the organizational chart provided to the Committee (annex I to the present report). There is also need for account to be taken of established practice in the United Nations for the acceptance of such personnel.

23. The Committee notes that the main function of the Information and Records Section relates to the management of documents and control of evidence and to the creation and management of a structured database (A/C.5/49/42, para. 53). The concept of a "structured" database was not satisfactorily explained to the Committee. Upon inquiry, the Committee was informed that there was a backlog of documents to be scanned and indexed (about 250,000 pages of documentation to be scanned, with an estimated processing time of 3 to 4 hours per document). It was estimated that by April 1995 this work would be completed. The Committee understands that the data entry work could be contracted out in a cost-effective manner. However, once documents have been entered into the database, there will be a need to analyse those documents by experienced and skilful personnel within this section. Under the circumstances, the Committee is not convinced of the need to recruit all 10 General Service staff requested to support the clerical activities of this section and believes that its organizational structure should be reviewed with a view to ensuring that it is commensurate with the tasks to be performed.

24. The Committee notes that computer equipment and specialized software and other dedicated video and electronic equipment were contributed by the Governments of the United Kingdom and the United States for the Office of the Prosecutor, with a value (as determined by the donors) of up to $2,330,500 (A/C.5/49/42, paras. 120 and 121). Upon inquiry, the Committee was informed that the installation of computer equipment in the Office of the Prosecutor was carried out to take advantage of existing computer wiring already installed there.

25. In paragraph 54 of the report of the Secretary-General, requirements for experts for the Prosecutor are estimated at $113,600 for the biennium ($20,000 for 1994 and $93,600 for 1995). These provisions include funds for the costs of scientific examinations associated with mass grave exhumations and forensic work. The Prosecutor explained that mass exhumation is very expensive and that there are other reliable forms of evidence available. In addition, a wide range of requirements were identified for which budgetary provisions were not made. These include requirements for (a) witness protection, (b) defence counsel, (c) travel of witnesses and (d) travel of the accused. The Prosecutor indicated, however, that to the extent that these needs could be anticipated at this stage, some could be covered in 1995 from appropriated funds and others from funds available in the trust fund of the Tribunal. With reference to witness protection, taking into account the projected workload, the Prosecutor explained that he expected to cover this requirement in 1995 from voluntary sources, which included contributions from Governments, professional groups and non-governmental organizations. With regard to witness counselling, the Committee notes that provision of $140,000 has been made under the Registry

(A/C.5/49/42, para. 100) for the purpose of assisting victims and witnesses during the pre-trial and trial stages at The Hague. The Committee recommends that these provisions for professional services of psychologists be made available to the Office of the Prosecutor through the appropriate administrative procedure.

26. Rule 34 of the rules of procedure and evidence provides for the establishment of a Victims and Witnesses Unit within the Registry. Given the nature of the crimes to be investigated and prosecuted by the Tribunal, the issue of witness protection was identified during the discussions as of paramount importance for the success of the Tribunal. The Prosecutor informed the Committee that, of necessity, the responsibility for protection of witnesses for the prosecution lies with his Office. The Committee notes from paragraph 68 of the Secretary-General's report that the cost of witness protection is "extremely high" and that the resources budgeted for this matter are limited. Furthermore, the Committee believes that, in the light of the arguments presented by the Prosecutor, the Victims and Witnesses Unit should be located within the Office of the Prosecutor; the Tribunal may wish to take this into account and consider amending the rules of procedure and evidence.

27. The Committee recommends that procedures be established to ensure that funds for the protection of witnesses are used strictly for that purpose and that control and monitoring be done in full compliance with United Nations Financial Rules and Regulations. The Committee points out that at all times transparency of purpose and use of voluntary funds must be ensured, without compromising the confidentiality of information for the protection of victims and witnesses.

28. The Committee was informed that arrangements have already been made for the establishment of local offices at Zagreb and Sarajevo to liaise with local authorities and to provide services to the Tribunal, in particular to the Office of the Prosecutor. Upon inquiry, the Committee was informed that the United Nations Protection Force (UNPROFOR) has been instrumental in arranging various logistical security support services for the investigation teams and for field visits to the former Yugoslavia of Secretariat officials. A detailed description of the posts in the local offices was provided to the Committee (see annex III to the present report). The Committee was informed that only the costs of posts have been included in the estimate but not other operating costs of these offices.

The Registry

29. The requirements for the Registry are explained in paragraphs 72 to 103 of the Secretary-General's report (A/C.5/49/42). Total requirements for the biennium amount to $11,276,800, of which $1,791,100 was estimated for 1994. As shown in the organizational chart (annex I to the present report), the Registry comprises two main functional areas of support for the Tribunal: the administrative and financial management services and the judicial support services. The Office of the Registrar includes units for press and information, security and safety and legal support. For the Registry, the Secretary-General requests 128 posts (45 Professional and 83 General Service posts), of which 93

are additional posts (34 Professional and 59 General Service) (see A/C.5/49/42, table 9).

30. Requirements for the defence counsel are discussed in paragraphs 66, 79 and 102 (a) of the Secretary-General's report. Articles 18 and 21 of the statute provide, inter alia, for the suspect during the investigation, and the accused from the time of his indictment, to have the right to legal assistance from a counsel of his own choice or, if indigent, to free legal assistance. The Committee notes that the defence counsels will be remunerated on a contractual basis. Estimates have been proposed at $824,300 on the basis of 42 lawyers representing accused persons, and only 126 work-days of lawyers representing suspects. In the light of the rules of procedure and evidence (rules 42, 45 and 55), the Committee points out that provisions for the defence counsel may prove to be severely underbudgeted. The Committee requests the Secretary-General to provide, in the context of the next budget submission for the Tribunal, information on practice and management with respect to the requirements of articles 18 and 21 of the statute, including the criteria for the receipt of free legal assistance, together with the budgetary implications.

31. The Committee was furnished with the Directive on Assignment of Defence Counsel (as amended on 30 January 1995). Under articles 23 to 26 of that directive, the remuneration to be paid to the assigned counsel for any case and at any one stage of the procedure will include: (a) a fixed rate of $400, (b) fees calculated on the basis of fixed daily rate of $200 applied at any stage of the procedure to the number of days of work and (c) a daily allowance calculated on the basis of fixed rates, as established by the United Nations schedule of daily subsistence allowance rates applied to the first period of two weeks and, thereafter, on the basis of a progressive percentage reduction of the rates for successive periods of two weeks.

32. Detention facilities are described in paragraphs 67, 80, 102 (b) and 107 of the Secretary-General's report. The Committee notes that the detention facility was formally turned over to the Tribunal as from 1 October 1994. Upon request, the Committee was informed that, up to the time of writing of the present report, the cells had been empty but that the Tribunal had to pay the costs for rental, maintenance and security under the terms of the agreement with the host country. The rent due to the host Government is estimated at $340,400 for the biennium. As indicated in paragraph 102 (b) of the Secretary-General's report, an amount of $806,000 has been estimated for the cost of up to 24 prison guards in 1995; the Committee understands that those guards are being provided under a contractual arrangement with the host country. In addition, on the assumption that there would be six occupants in 1994 and full occupancy in 1995, $242,400 has been budgeted as user costs for supplies and materials and miscellaneous expenditures relating to the detainees (A/C.5/49/42, paras. 67 and 107). The Committee believes that arrangements for the detention of prisoners should be reviewed with the objective of reaching a more cost-effective arrangement with the host Government. The Committee also questions the need for a separate legal support officer (P-3), mentioned in paragraph 80 of the Secretary-General's report and believes that legal support for the detention facilities can be provided through the other legal resources available to the Registry.

33. In paragraphs 82 and 83 of his report, the Secretary-General requests two Court Deputies (P-3) and four officers (P-2) devoted to courtroom duties and records management, in addition to three General Service posts. The Committee understands that the European Commission, through the International Commission of Jurists, will make available four lawyers to the Registry to assist in court management procedures (A/C.5/49/42, para. 118). The Committee is of the view that not all the P-2 Professional posts will be required in 1995.

34. In paragraph 85 of the report, it is proposed that the post of the Chief of Administration be upgraded to the D-1 level. The Committee defers consideration of this proposal, as the post classification exercise has not yet been completed by the Office of Human Resources Management; moreover, in the opinion of the Committee, additional justification is still required. It will re-examine the staffing proposals for the International Tribunal in the context of its review of the Secretary-General's next report on the financing of the Tribunal.

35. In the personnel services area, the Committee believes that one Professional (P-4) will suffice and, in the procurement and travel services area, a local Professional could provide the same services at a lower cost than an internationally-recruited staff member at the P-3 level.

36. The Committee points out that in recruiting consultants and other experts, as well as in the acquisition of research and other specialized services, the International Tribunal should avail itself of sources of expertise on as wide a geographical basis as possible.

37. With regard to the administration of the Tribunal, the Committee recalls that, in a previous report (A/48/915, para. 19), it requested the Secretary-General to explore the establishment of common administrative arrangements for the United Nations entities at The Hague, subject to the statutory requirements of the bodies concerned. The Committee notes that the Secretary-General has explored common administrative arrangements with the International Court of Justice (A/C.5/49/42, para. 6). Upon inquiry, the Committee was informed by the Registrar that common administrative services were reviewed with the administration of the Court, and that, currently, limited services could be shared only in the area of library services. The Committee is of the view that negotiations among the entities at The Hague should continue, with the aim of obtaining economies of administrative services.

IV. VOLUNTARY CONTRIBUTIONS

38. The Secretary-General has accepted contributions from Member States and other interested parties, in cash and in kind, pursuant to the provisions of General Assembly resolution 47/235. Upon request the Committee was provided with the status of voluntary contributions, as at 14 February 1995, as follows:

	(United States dollars)
Cambodia	5 000
Canada	168 280
Hungary	2 000
Ireland	21 768
Italy	1 898 049
Liechtenstein	2 985
Malaysia	2 000 000
Namibia	500
New Zealand	14 660
Norway	180 000
Pakistan	1 000 000
Spain	13 725
Switzerland	75 758
United States of America	700 000
Total	6 082 725

39. The Committee was informed that, in soliciting contributions from Member States, the Prosecutor, the Registrar or the President of the Tribunal give an indication as to which activities or requirements for the operation of the Tribunal need assistance from the prospective donor(s). It was indicated that even though some donors express preferences for the purpose for which the contribution may be used, the Tribunal accepts only "untied" contributions from donors. The Committee recommends that the Secretary-General issue specific guidelines on the requirements for receipt of contributions and application of funds for the Tribunal.

40. The Committee was informed that, as at 28 February 1995, there are 30 seconded staff and a maximum of 9 additional staff to come for 1995. In addition 15 law clerks are on board, made available through the International Commission of Jurists. The Committee is of the view that all personnel on secondment from Governments and non-governmental organizations, as well as from other institutions or private parties, should be disclosed in the budget document. There should be a clear indication of the units in the Tribunal where these personnel have been assigned, as well as their functional responsibilities, tasks and location and the intended period of the assignment. In accordance with the practice and regulations of the United Nations, requirements of the Tribunal should be fully reflected in the programme budget and any voluntary contributions received should be applied to offset the assessments on Member States.

V. CONCLUSIONS

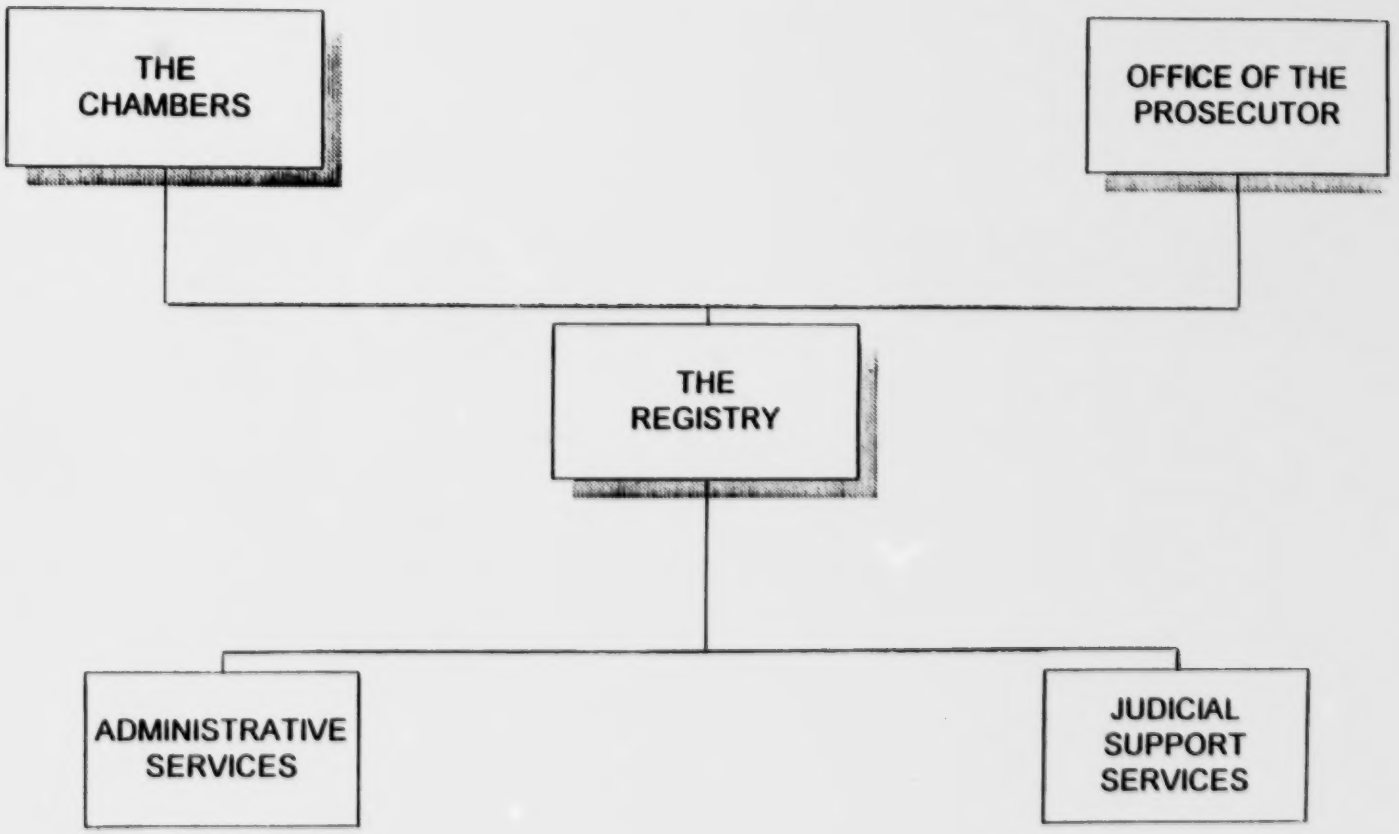
41. On the basis of the comments and recommendations detailed above, the Committee recommends that an appropriation of $38,652,900 be approved for the operations of the Tribunal in the biennium 1994-1995. In addition, as requested by the Secretary-General (A/C.5/49/42, para. 122), the Committee recommends an appropriation of $276,200. This amount was provided from the United Nations Working Capital Fund during 1993 for expenditures of the Tribunal, pending a determination as to its mode of funding.

42. The Committee points out that resources appropriated and authorized need to be administered with flexibility consistent with the United Nations Financial Regulations and Rules. The Committee also points out that, depending on the mode of financing to be decided upon by the General Assembly for the expenses of the Tribunal, it may be necessary to establish a mechanism to allow commitment of funds on an urgent basis for the Tribunal, particularly for critical areas identified by the Prosecutor. This commitment authority should provide the flexibility required to meet expenditures prior to submission to the Assembly of a detailed request for appropriation.

43. Although the work of the Tribunal is just getting under way, there is also a need to prepare for the long-term implications of that work. In this connection, the Committee requests that the next report of the Secretary-General on the financing of the Tribunal include information and/or proposals with respect, inter alia, to long-term requirements for the carrying out of sentences and for the protection of witnesses.

Annex I

INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA
Organizational Chart



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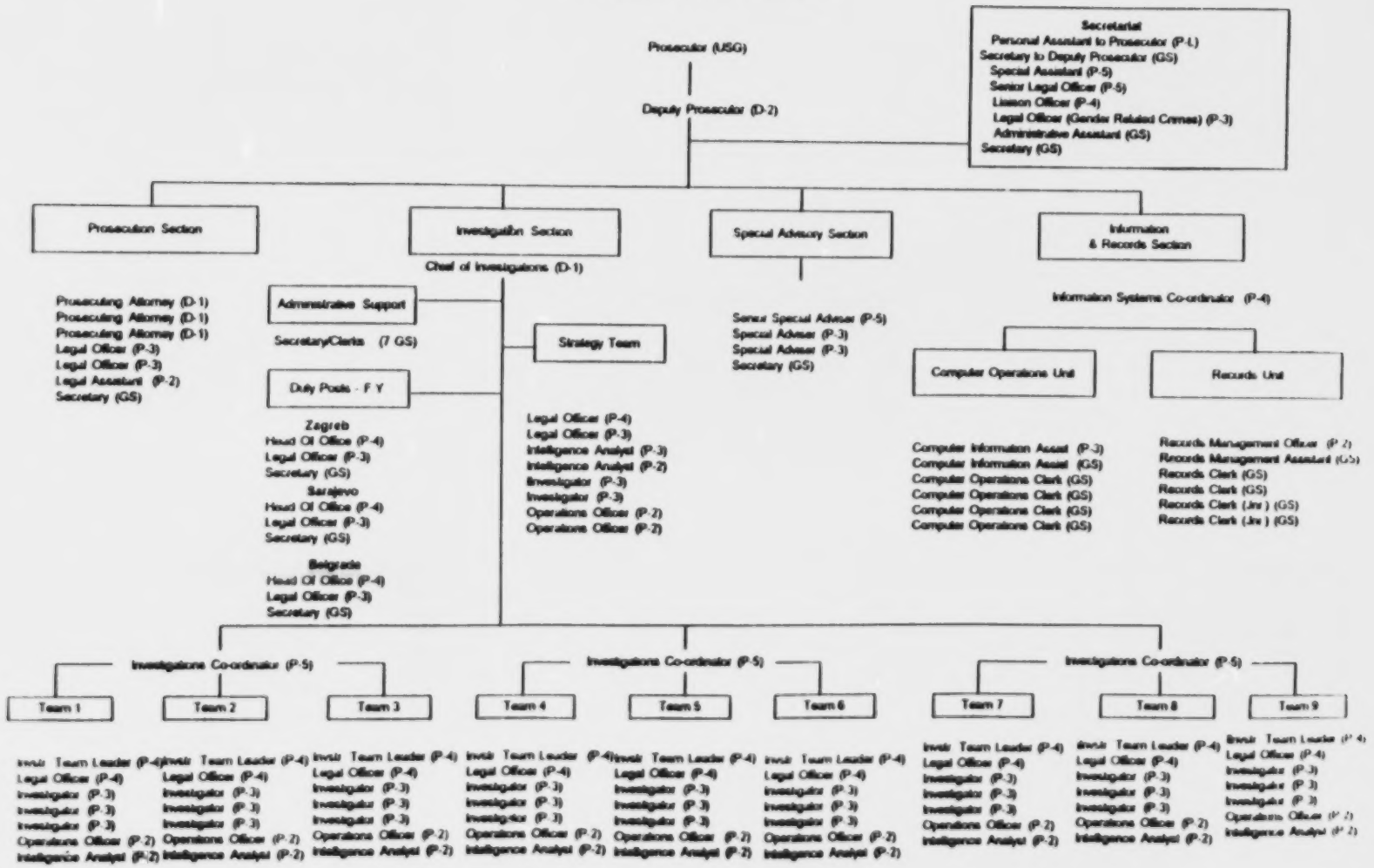
The Office of the Prosecutor



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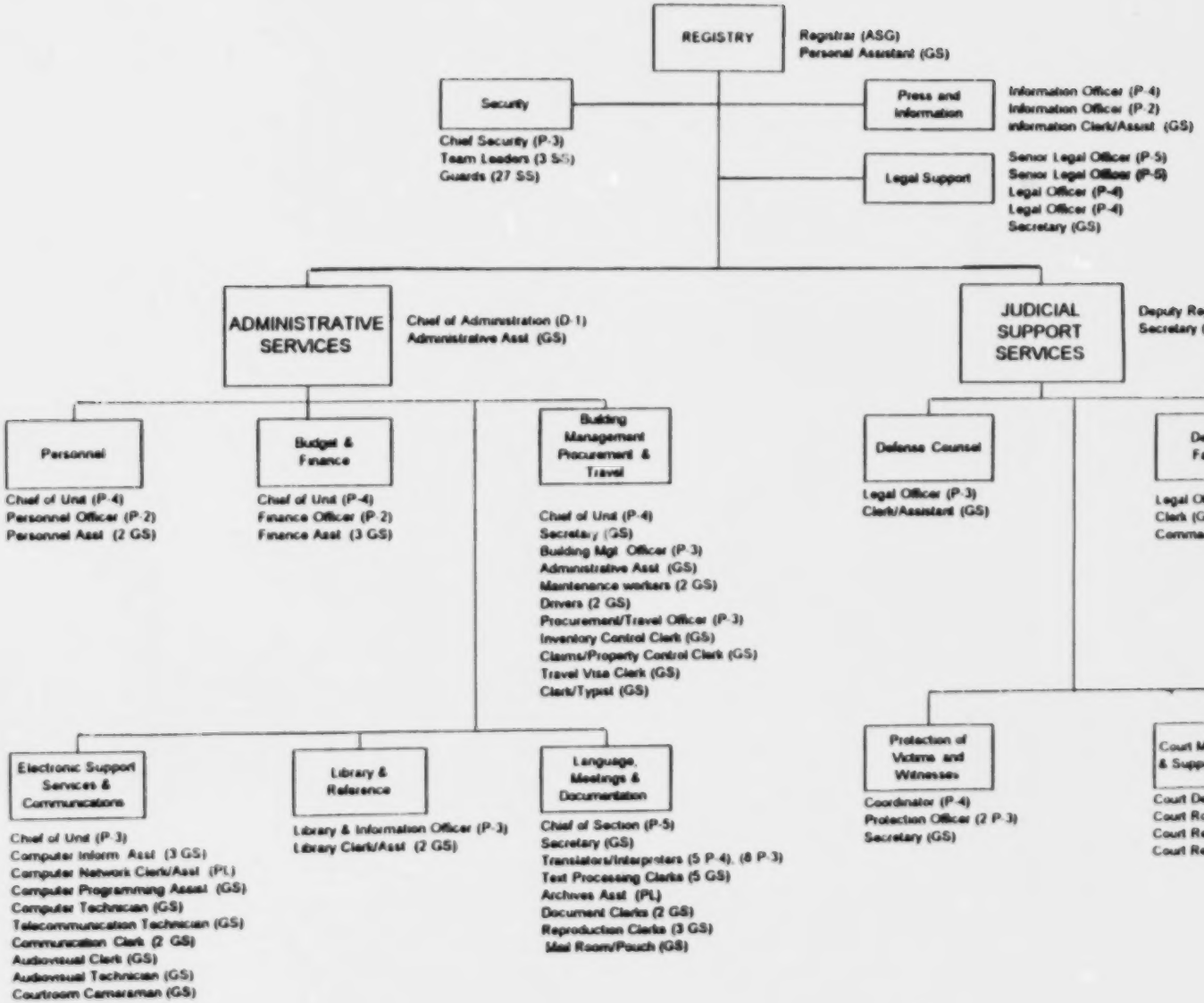
The Registry



Annex II

STAFFING STATISTICS

(as at 31 January 1995)

TOTAL NUMBER OF STAFF

A. Number of staff (on board) by level/sex

Professional			General Service		
	M	F		M	F
USG	1	0	G-7	0	1
ASG	0	1	G-6	0	0
D-2	1	0	G-5	0	5
D-1	1	0	G-4	2	22
P-5	8	1	G-3	18	10
P-4	15	4	G-2	5	1
P-3	9	3		25	39
P-2	3	6			
P-1	1	1	Total:	64	
	39	16			

Total: 55

B. Number of staff (on board) by level/nationality
(Professional and higher categories)

USG	South Africa (1)
ASG	Netherlands (1)
D-2	Australia (1)
D-1	Australia (1)
P-5	Australia (1) Canada (1) France (2) Spain (1) Sweden (1) United Kingdom (2) United States of America (1)
P-4	Australia (2) Canada (1) Croatia (1) Denmark (1) France (1)

/...

New Zealand (1)
Philippines (1)
South Africa (1)
Suriname (1)
Ukraine (1)
United Kingdom (5)
United States of America (3)

P-3 Belgium (1)
Bosnia and Herzegovina (1)
Canada (1)
Iran (Islamic Republic of) (1)
Italy (1)
Netherlands (2)
Norway (1)
United States of America (4)

P-2 Bosnia and Herzegovina (2)
Canada (1)
India (1)
Philippines (1)
Senegal (1)
United Kingdom (1)
United States of America (2)

P-1 Canada (1)
Netherlands (1)

Total: 119

OFFICES OF THE REGISTRAR/JUDGES' CHAMBERS

A. Number of staff (on board) by level/sex
(Professional and higher categories)

	M	F
ASG	0	1
P-5	2	1
P-4	4	2
P-3	3	0
P-2	2	4
P-1	1	0
	12	8

Total: 20

B. Number of staff (on board) by level/nationality
(Professional and higher categories)

ASG	Netherlands (1)
P-5	France (1) Spain (1) United States of America (1)
P-4	Croatia (1) Denmark (1) France (1) Suriname (1) United Kingdom (2)
P-3	Bosnia and Herzegovina (1) United States of America (2)
P-2	Bosnia and Herzegovina (2) India (1) Philippines (1) United Kingdom (1) United States of America (1)
P-1	Netherlands (1)
Total:	20

OFFICE OF THE PROSECUTOR

A. Number of staff (on board) by level/sex
(Professional and higher categories)

	M	F
USG	1	0
D-2	1	0
D-1	1	0
P-5	6	0
P-4	11	2
P-3	6	3
P-2	1	2
P-1	0	1
	27	8

Total: 35

B. Number of staff (on board) by level/nationality
(Professional and higher categories)

USG	South Africa (1)
D-2	Australia (1)
D-1	Australia (1)
P-5	Australia (1) Canada (1) France (1) Sweden (1) United Kingdom (2)
P-4	Australia (2) Canada (1) New Zealand (1) Philippines (1) South Africa (1) Ukraine (1) United Kingdom (3) United States of America (3)
P-3	Belgium (1) Canada (1) Iran (Islamic Republic of) (1) Italy (1) Netherlands (2) Norway (1) United States of America (3)
P-2	Canada (1) Senegal (1) United States of America (1)
P-1	Canada (1)
Total:	35

Annex III

FUNCTIONS OF DUTY POSTS IN THE FORMER YUGOSLAVIA

1. To provide support to investigative teams in connection with their field work in the former Yugoslavia. This support will, inter alia, involve logistical and administrative facilitation of the work of the teams; liaising with local authorities and non-governmental organizations; and identifying potential areas of concern within specific ongoing investigations based on local legal and factual expertise.

2. To serve as the general and visible liaison point between local government agencies, on both the republic and the local levels, non-governmental organizations and individuals, on the one hand, and the Office of the Prosecutor, on the other, in order to make that Office easily accessible and communication with it more efficient.

3. To liaise with the republic war crimes commissions on all relevant matters, involving, inter alia, the preparation of field operations; keeping the Office of the Prosecutor informed of relevant investigations conducted by local authorities; and obtaining and ensuring the secure transmission of material from the war crimes commissions to the Office of the Prosecutor.

4. To liaise with the local officers of the United Nations operations in the former Yugoslavia as well as with the specialized agencies, in order to draw on their assistance and expert advice in connection with the preparation of field operations.

5. To advise the Office of the Prosecutor directly of any important developments or trends in the relevant republic affecting the work of that Office, which will include the monitoring of daily and weekly UNPROFOR reports on the situation in the former Yugoslavia in general and the relevant republic in particular, as well as local media reports.

6. To facilitate the work of the Office of the Prosecutor in coordinating the work of observers who monitor war crimes trials in the former Yugoslavia for that Office, and to report back on the monitoring.

7. To provide expert advice to the Office of the Prosecutor in relation to republic and federal law in the former Yugoslavia and its application.